

Remarks

Election of Species

The Office Action finds two patentably distinct species in the present application: claims 1-26 and claims 27-90. Applicant elects the species contained in claims 1-26, with traverse.

The restriction requirement is respectfully traversed because “[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to distinct or independent inventions.” MPEP § 803, page 800-4 (8th Ed., Rev. 5, Aug. 2006). One of the “two criteria for a proper requirement for restriction between patentably distinct inventions” is that “[t]here would be a serious burden on the examiner if restriction is not required.” Id. (emphasis added). While “[f]or purposes of the initial requirement a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation either separate classification, or separate status in the art, or a different field of search . . . [t]hat *prima facie* showing may be rebutted by appropriate showings or evidence by the applicant.” Id. (emphasis added). The applicant rebuts the Examiner’s *prima facie* showing in this case as follows.

The species of claims 1-26 and the species of claim 27-90 are related. The fields of search required to search the respective compositions and processes are essentially coextensive. For example, the methods of both species are related to a gaming system having a central authority associated with a database and interconnected to a plurality of gaming machines; a payer account is established in the database associated with a player in each species; the methods of both species require to collect first activity data from one gaming machine during a first time period, and second activity data from the gaming machine during a second time period, and transmit the first activity data and the second activity data to the central authority. A proper search of the methods of one species would have found prior art applicable to the methods of the other species as well.

Therefore, examining all pending claims in the present application does not present a serious burden in this instance. The restriction requirement should therefore be withdrawn.

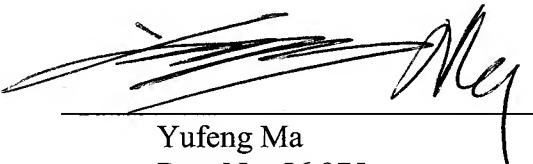
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Conclusion

The Examiner is respectfully requested to withdraw the restriction requirement and examine all pending claims (1-90) of the present application. As an alternative, claims 1-26 have been elected for examination.

There is no fee believed to be due, but the Commissioner is hereby authorized to charge any additional fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,



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